

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04 10044 MLW

EDWIN SERRANO

MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT

The defendant moves to strike as surplusage from the indictment the entire of page 4 entitled "Notice of Additional Factors".

The additional factors referred to are matters under the United States Guidelines that have been declared unconstitutional. See *United States v. Booker and Fanfan*, U.S. (2005).

/s/Roger Witkin
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DATED: January 24, 2005

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V.

CRIMINAL NO. 04 10044 MLW

EDWIN SERRANO

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Peter K. Levitt, and a courtesy copy to the Clerk of Court by mail and electronic filing, which was e-filed this day.

/s/ Roger Witkin

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